

### **REMARKS/ARGUMENTS**

Claims 11-16 remain in this application. None of the claims have been amended in this response. Applicants request as of right an Examiner Interview on the merits of the outstanding rejections. The Examiner is encouraged to contact the undersigned to arrange an appropriate time to conduct such an interview.

Claims 11-15 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Coursey et al.* (US Patent 5,995,839) in view of *Hjern et al.* (US Patent 5,873,033). Claims 13 and 14 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Coursey et al.* (US Patent 5,995,839) in view of *Hjern et al.* (US Patent 5,873,033) further in view of *Choi* (US Patent 6,278,883). Applicant respectfully traverses the rejection. Favorable reconsideration is requested.

Specifically, the cited art, alone or in combination, does not disclose, among other things, “controlling the telecommunications connections by the base stations in uncoordinated, unlicensed system operation of the telecommunications system and in coordinated, licensed system operation of the telecommunications system,” along with the receiving, assessing and transmitting messages and parameters as recited in claim 11, and similarly recited in claim 16. As the Office Action of March 16, 2005 acknowledged, *Coursey* does not teach the first base station assessing information content and reception quality of the message and transmit a list of parameters for hand-off purposes on a second control channel to the mobile station.

To this end, *Hjern* was relied upon in the Office Action to solve the deficiencies of *Coursey*. *Hjern* teaches a DECT-based Central Fixed Part (CFP) and a DECT-based Radio Fixed Part (RFP) connected to each other and are further connected to a Private Branch Exchange (PABX) (FIG. 1, col. 4, lines 15-26). The Private Branch Exchange is connected to and communicates with a Mobile Switching Center (MSC) that includes a Base Station Controller (BSC) within a GSM-based radio network over a ISDN-based interface or a GSM-based A-interface. Under this teaching, the Central Fixed Part and the Radio Fixed Part are operated dependently with respect to handing off telecommunication connections. And due to the controlling function of the Mobile Switching Center, *Hjern* also teaches a Mobile Assisted Hand-Over (MAHO) and not a Base Station Assisted Hand-Over (BSAHO).

However, contrary to the assertions made in the Office Action, *Hjern* does not teach the assessment of the information content and rejection quality of messages by a base station, which are previously received from another base station. *Hjern* teaches in column 7, lines 9 to 18 that the central unit CFP in DECT continuously analyzes ("camps" – see col. 4, lines 26-32) the calls in progress and, on the basis of the logical information which is built up, draws a conclusion about whether handover for a terminal is appropriate. However, this is not the same as the analysis recited in the present claims, where the base station analyzes information content and the reception quality of received messages, whereas the central unit of *Hjern* analyzes calls in progress on a continuous basis.

Furthermore, *Hjern* does not teach the reception of the messages by the base station. As previously discussed, *Hjern* discloses in column 7, lines 18 to 23 that the central unit CFP collects via the mobile telephone exchange MSC in GSM system parameters from a network. Collecting system parameters from the network is not the same as receiving messages from another base station, as recited in the present claims. Moreover, *Hjern* does not teach that the base station draws up a list of parameters, which is organized on the basis of the reception quality of the previously assessed messages. *Hjern* rather teaches to forward the collected system parameters directly to a mobile terminal connected to the base station (see: column 7, lines 23 to 30).

Furthermore, Applicants submit that it is improper to combine the *Coursey*, *Hjern* and *Choi* references in the manner suggested by the Office Action. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). (MPEP 2142). When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper. *Ex parte Skinner*, 2 USPQ2d 1788 (Bd. Pat. App. & Inter. 1986). In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d

1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983) (MPEP 2141.02). The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination (MPEP 2143.01). In other words, the suggestion or desirability to combine reference must come from the references themselves, and not from the applicant's disclosure.

*Coursey* teaches a system and method for a Mobile Station Emulator to re-route existing telephone connections between a Private/Residential base station and a cellular telephone system (col. 2, lines 26-49). *Hjern* however, teaches an arrangement for a transfer between a cordless DECT system and a cellular GSM system under overlap conditions (col. 2, lines 57-65). There is no teaching, suggestion or motivation for one skilled in the art to modify the *Coursey* reference with the teaching in *Hjern*. Likewise, there is no motivation to combine *Choi* (message control center broadcasting), and the reference further does not solve the deficiencies of *Coursey* and *Hjern*, discussed above.

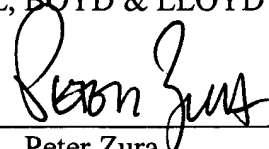
In light of the above, Applicants respectfully submit that independent claims 11 and 16 of the present application, as well as dependent claims 12-15, are both novel and non-obvious over the prior art. Accordingly, Applicants respectfully request withdrawal of the Examiner's §103(a) rejections of the claims and respectfully request that a timely Notice of Allowance be issued in this case.

If any additional fees are due in connection with this application as a whole, the Examiner is authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the attorney docket number (0112740-450) on the account statement.

Respectfully submitted,

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